

In terms of our strategic relationship, this week's news demonstrates, if anything, the need for closer coordination between the United States and India, the world's two largest democracies, and more effective diplomacy in trying to improve stability and working towards a reduction in nuclear weapons arsenals.

Mr. Speaker, in light of this week's test, it is particularly important to remember the defense situation that India faces. India shares approximately a 1,000-mile border with China, a nuclear-armed Communist dictatorship that has already launched a border war against India and maintains a large force on India's borders. China maintains nuclear weapons in occupied Tibet, on India's borders, and also maintains a military presence in Burma, another neighbor of India.

China has been proven to be involved in the transfer of nuclear and missile technology to unstable regimes, including Pakistan, a country that has been involved in hostile actions against India for many years; and China has conducted some 45 underground nuclear tests over the years.

Mr. Speaker, I bring out these facts to help put India's action this week into perspective, to try to explain to my colleagues here and to the American people the background for India's decision to conduct these tests. I know that India's action has met with widespread criticism, including from our own administration, but India's decision to test a nuclear explosive device should be understood in the context of the huge threat posed by China. Indeed, Mr. Speaker, I believe the United States should be taking the threat from China more seriously and doing much more to discourage and deter China's proliferation efforts.

Now that India has demonstrated its nuclear capability, I would urge India's government to join the Comprehensive Test Ban Treaty, following the other democratic nations in the nuclear club, including the United States, that have now discontinued testing. Having nuclear capability means that India has an even greater burden to ensure peace in its region and in the world.

I would urge President Clinton to wait before imposing sanctions, I am talking about the sanctions that have been discussed, particularly if India announces that it will not conduct any further tests. The implications of the sanctions are so broad that many of our own interests could be damaged, particularly in the area of trade and investment. A wide range of international financial institutions would also be prevented from working in India, potentially thwarting important development projects that will help improve the quality of life for India's people.

Since India conducted its first nuclear test in 1974, it has maintained the strictest controls on transfers of nuclear technology. India's nuclear program is indigenous, and successive In-

dian governments have not been involved in the transfer or acquisition of nuclear technologies with other nations. I believe it is very important that this policy be maintained, Mr. Speaker.

Mr. Speaker, again, although I oppose the nuclear tests, I believe that we must now work with India and the rest of the world community in enacting and enforcing an effective worldwide ban on nuclear testing, leading to the reduction and ultimate elimination of nuclear weapons from the face of the Earth.

#### INDEPENDENT COUNSEL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, besides enjoying this past weekend with my constituents and my family, and conveying to the mothers of America a happy Mother's Day, I spent a lot of time interacting with the good people of the 18th Congressional District of Texas. Many, of course, talked about Medicare issues, housing issues, Social Security, but many stopped me and asked the question: Where will it end?

Mr. Speaker, my colleagues might be thinking that I am talking about Armageddon or some crisis being discussed on the floor of the House. I am actually talking about the misunderstood, misconstrued and wrong-headed statute called the Independent Counsel.

What do the names Ken Starr, Carol Elder Bruce, Donald Smaltz, David Barrett, Daniel Pearson, Curtis Van Kan, and an unnamed independent counsel that now still proceeds with the investigation of a HUD Secretary, that started in 1990, have in common? All are individuals that have been established or given authority by the statute, Independent Counsel.

In fact, the recent appointment of an independent counsel to the Secretary of Labor, Alexis Herman, adds an additional wedge in what I perceive to be the system of justice and fairness and the understanding of the American people.

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Even the Attorney General yesterday said, as she offered to appoint an independent counsel for Secretary Herman, there was really no evidence of the Secretary's involvement or participation in anything illegal.

The question for the American people then, the common sense question, Mr. Speaker, why then an independent counsel? Most people in my district perceive this as a runaway threat to the fairness and justice that most Americans believe they are owed. Many people have made suggestions that this compares, this onslaught of independent counsels, this runaway process separate and apart from the U.S. Attorney's Department of Justice, seems to

suggest there is no fairness in the judiciary or judicial process.

Why? We have Susan McDougal, someone who is now incarcerated under the pretense of obstruction of justice. How can this be, Mr. Speaker? How can Kenneth Starr use his office to intimidate someone who has already indicated that they have no more information about Bill Clinton and Hillary Clinton, who has indicated that they are prepared to take the fifth amendment, but in fact they have no information? Many people question and wonder why a young woman like Susan McDougal, who has lived and grown up in Arkansas, who has paid her dues, who is a young businesswoman, who engaged in business activities in the early years when women were not known to be participating in some of the high finance; the allegations against her have already been tried, and now she is being shackled in courtrooms not because of something that she has personally done but because of something that is perceived that she may have information on some other matter.

As a colleague and I were discussing, members both of the Committee on the Judiciary, we know what is wrong with the independent counsel statute. Is has no end. It has no beginning. This statute and this independent counsel can investigate anything. It is not a crime that they are investigating, Mr. Speaker. They are investigating your name. And so, for example, if today it is Whitewater and tomorrow it may be Monica Lewinsky, made up of course of facts that we do not really know, and tomorrow it may be the circus. So it is not the actual crime that is being investigated, it is not the issue whether someone burglarized something, someone stole something, or someone lied; it is moving from hither to thither.

I would simply say, Mr. Speaker, that the independent counsel statute must be assessed not because we want special privileges for anyone. Absolutely not. But we really must assess it to find out whether or not even the American people are asking whether this is the right kind of tool to bring justice and to oversee the process of government: Is it the kind of tool to avoid cover-ups?

I would simply say, by the evidence and performance of those existing today, but in particular the habits and the performance of Mr. Starr, the intimidating of someone's mother, the trying to go into the White House bedrooms, the intimidating of close White House aides, violating the rights of the President to have confidential conversations and executive privilege, all of this suggests to me, Mr. Speaker, that we have got a problem with the independent counsel statute. And on behalf of the American people, I think it is key that we assess it fairly and objectively. Let us not go back to the McCarthy era, Mr. Speaker. Let us stand up for justice for all America.

## RELIGIOUS FREEDOM AMENDMENT

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 60 minutes as the designee of the majority leader.

Mr. ISTOOK. Mr. Speaker, this evening I think it is important that we talk about one of the very first liberties, one of the very first freedoms of the United States of America, something which motivated people to cross the ocean hundreds of years ago in some very small and leaky ships.

I am talking about people such as those who first came to Jamestown, those who were the Puritans and pilgrims who were motivated to come to the United States, in large part because they wanted a land of religious freedom. They wanted a land where everyone was free to worship or not worship according to the dictates of their own conscience and not be compelled by the government to give obeisance to any particular faith but certainly to have the freedom without intimidation, whether in private or in public, to express their faith in God.

I bring this to the attention of the House tonight, Mr. Speaker, because this is a liberty that is the first one enshrined in our Bill of Rights and yet which is jeopardized by a series of U.S. Supreme Court decisions that basically go back to 1962, decisions that are decisions that discriminate against those who wish to pray at public school, against school prayer. Voluntary school prayer even is not permitted in the same way that free speech and free religion should permit it. It is restricted at public school graduations.

The Ten Commandments, the U.S. Supreme Court has said, are unconstitutional if someone tries to display them in a schoolhouse. They have struck down nativity scenes and not only Christian emblems but, for example, a Jewish menorah whose display at a county courthouse was struck down by the U.S. Supreme Court, even though, Mr. Speaker, we open sessions of this House with prayer and the Pledge of Allegiance to the flag and we are in a Chamber which has many religious symbols, in a building which has many religious symbols, in a place which has many religious symbols. But the U.S. Supreme Court has been ruling that those are taboo, they are off limits, they are unconstitutional if they are involved in a public place such as in the school or a courthouse or many other public forums.

It is because of those threats, Mr. Speaker, that over 150 Members of this body have banded together as sponsors of the religious freedom amendment, a proposed amendment to the U.S. Constitution upon which we will be voting in this House of Representatives in approximately 3 weeks from now, because it is about time that we correct what the U.S. Supreme Court has done.

Mr. Speaker, I would like to offer for the RECORD, and I will give it to the

Clerk in a minute, a very simple fact sheet about the religious freedom amendment. Mr. Speaker, this particular sheet is from a recent publication by the Ethics of Religious Liberty Commission of the Southern Baptist Convention, one of the great number of religious groups in this country who are supporting this amendment.

The religious freedom amendment reads, very simply and very straightforward. It is as follows:

"To secure the people's right to acknowledge God, according to the dictates of conscience: Neither the United States, nor any State, shall establish any official religion, but the people's rights to pray and to recognize the religious beliefs, heritage, or traditions on public property, including schools, shall not be infringed. Neither the United States nor any State shall require any person to join in prayer or other religious activity, prescribe school prayers, discriminate against religion, or deny equal access to a benefit on account of religion."

That is the text of the proposed religious freedom amendment, upon which we will be voting shortly, to correct the decisions of the U.S. Supreme Court which have pushed our country in the wrong direction, not in a direction of neutrality, but in a direction of hostility towards religion.

And reading from the facts sheet of the Southern Baptist Convention Ethics and Religious Liberty Commission, what the religious freedom amendment would and would not do:

It would correct years of judicial misinterpretation of the establishment clause. It would not revoke the establishment clause.

It would reverse many of the restrictions that courts have placed upon the free exercise of religion on government property in general and public schools in particular. It would not permit government-sponsored religion or proselytizing.

It would allow greater freedom for students who wish to pray. It would not require prayer in public schools.

It would require government to treat all religions fairly. It would not permit preference for one religion or sect over another.

It would advance belief in religious freedom. It would not advance any particular religious belief.

It would give greater protection to individuals against government intrusion. It would not create any new right for government.

It would guarantee that no person be discriminated against on account of religion. It would not require that any person be given special status on account of religion.

It would require equal access to all people, regardless of religion. It would not require unreasonable access to government facilities.

It would protect the liberty of conscience of all people. It would not protect only the liberty of people of a majority faith or of a minority faith or of no faith.

That is a good succinct summary, because, Mr. Speaker, it is hard to be brief about the many problems that have come from these Supreme Court decisions.

It was 1962 when the Supreme Court said that even when it is totally voluntary by students, they cannot come together during school time in public school to have a prayer together. And yet, Mr. Speaker, I am so pleased that so many millions of Americans have at least done as much as they could, forming different Bible clubs and huddles of groups, like the Fellowship of Christian Athletes, that meet before school and after school and do everything that they are permitted to do, but they are not permitted the same freedom and the same rights that apply to other school clubs in our public schools.

It was later, it was in 1980, that the U.S. Supreme Court, in the *Stone v. Graham* case said, you cannot display the Ten Commandments on the wall of the school because, as they wrote, "Students might read them and they might obey them."

Now, Mr. Speaker, if there is anything that would be good for the students in public schools to obey today, it would be the Ten Commandments. And yet, Mr. Speaker, that is what they take down, whether it be on the walls of the school or on the walls of a courthouse. And yet we have the image of Moses looking straight upon us, Mr. Speaker, directly across from us on the walls of this House of Representatives; and his image is there because of the Ten Commandments.

It was followed by other Supreme Court decisions. It was 1985 that they had maybe the most outrageous decision of all, the *Wallace v. Jaffrey* case. The State of Alabama had a law that said we can at least have a moment of public silence in public schools. And the U.S. Supreme Court said, no, we cannot have a moment of silence; that is unconstitutional, because students could use it for silent prayer.

And it was a 5-4 decision. It could have gone so easily the other way. But it prompted the Chief Justice of the U.S. Supreme Court, William Rehnquist, to say this about what the Supreme Court did with prayer in public schools. Justice Rehnquist wrote in *Wallace v. Jaffrey*, "George Washington himself, at the request of the very Congress which passed the Bill of Rights, proclaimed a day of public thanksgiving and prayer to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God. History must judge whether it was the father of this country in 1789 or a majority of the court today which has strayed from the meaning of the establishment clause."

The Supreme Court was not satisfied with that. They had the decision, I believe the correct year was 1990, that held that a nativity scene and a Jewish menorah on display at a county courthouse in Pennsylvania, were unconstitutional because they said they were